

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a head officer or nazir.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Where a warrant of a magistrate must be executed.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner herein-after mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

13. If the warrant under Chapter IV Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate, to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

Head officer of police how to proceed in such cases.

division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police who granted the warrant shall send the person arrested to the head officer of police of the division in which such offence was committed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

Where a warrant of a police officer must be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

When a warrant of arrest may be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

Warrant, how to be executed.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

No unnecessary restraint.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of purpose to act under the warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Notification of substance of warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Taking and refusing to give up a warrant.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Resisting an endeavor to arrest.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Officer, &c. breaking out to liberate himself.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of inner door or window.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking open a zenanah or female apartment.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Breaking of doors, &c. for offences not previously provided for.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Party arrested to be brought immediately to the authority mentioned in the warrant.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

Or as soon as practicable.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

No threat, promise, or caution, as to disclosure by party arrested.

but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

1. A police officer or other person who sees any offence committed for which
Arrest on view. a warrant may issue on complaint, may, without warrant, arrest the offender.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable
On complaint, or finding with stolen goods. complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

3. A police officer, or other person, may, without warrant, arrest a proclaimed
A proclaimed offender: hue and cry. offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself
A party liable to arrest, concealing himself. in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or head officer of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

5. A police officer may, of his own authority, interpose for the prevention
Breach of the peace. of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the
Obstruction of a police officer in his duty. police division.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person,
When it is not necessary to notify cause of arrest. who, being disturbed, makes his escape.

8. A police officer or other person, having arrested a person for an offence,
Party arrested to be taken immediately before the proper authority. is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.
Arrest for an offence committed in the presence of a magistrate.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

1. If a person lawfully arrested on a criminal
Person arresting may re-take on escape, and deal with the party arrested as on original taking. information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

2. In order to re-take any person, within the meaning of the last preceding
May adopt the same measures as on original taking. Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the
When grantable by a magistrate. production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

2. The magistrate shall direct his warrant to the head officer of police within
How to be directed. whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer above the rank of burkundaz.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.
When a magistrate may require a magistrate of another district to issue a search warrant.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings
When a magistrate may grant a search warrant out of his jurisdiction. place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

6. The head officer of police shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

7. A head officer of police may require the head officer of police of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

8. The head officer of police, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate;

Occupant of the place searched may attend.
and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A head officer of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences under Chapter IX; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the head officer of police may issue his warrant.

Search to be made in the presence of witnesses.

it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

5. In the event of its appearing to the head officer of police, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate,

as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who shall then proceed as if he had made the inquiry himself.

12. Provided that it shall not be lawful for the head or other officer of police to detain the accused in custody without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

13. If it shall appear to the head officer of police that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence for expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A, as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

head officer of police shall accept such bail, and immediately release the party apprehended.

16. In cases of manifest necessity, when the head officer of police may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

21. The powers to be exercised by the head officer of police under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court or

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify

Summons to a witness to attend and give evidence.

what they know concerning the complaint made against the accused party.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

To be in the presence of the defendant, who may cross-examine.

How the evidence is to be recorded.

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

Magistrate not to receive any written admission or confession of guilt made to the police.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

But may receive evidence of a police officer as to unrecorded admission of guilt.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Examination of defendant.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

Magistrate how to proceed in case of confession.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosure.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains

accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate.

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Defendant may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Any person attending may be detained for any offence committed by him.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Discretionary with the magistrate to take evidence for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Witnesses for the defence.

Conditional Pardon.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

Magistrate may tender a pardon in certain cases.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

When Sudder Court or Session Court may direct a tender of pardon.

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

35. In such case it shall be competent to such defendant to find new sureties.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of Charge.

(a) I, A [name and office of magistrate, &c.], declare that there is hereby made against Z the Charge:

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (c) and within the cognizance of the [style of the Court].

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c):

within my cognizance; and the words "by the said Court" in (d) may be omitted.

To be substituted for (b).

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [style of the Court], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

(3). That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [style of the Court].

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [style of the Court].

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the

Penal Code, and within the cognizance of the [style of the Court].

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [style of the Court].

(12). That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

(13). That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [style of the Court], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code,

the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

11. When a charge contains more heads than

Form of charge of one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [name and office of magistrate, &c.], declare that there is hereby made against Z the charge:

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the magistrate, &c.].

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under

Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution.

CHAPTER XV. OF OFFENCES TRIABLE BY THE MAGIS- TRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the

magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in-law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c., of Witnesses.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

Summons to a witness to attend and give evidence.

If he do not obey the summons, then warrant.

Cases in which magistrate may issue a warrant.

Summons instead of warrant.

Postponement of issue of process.

Magistrate may direct bail to be taken.

Magistrate may dispense with personal attendance of accused.

Arrest on warrant indorsed by a magistrate of another district.

ect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such

person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Defendant may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Any person attending may be detained for any offence committed by him.

Bail and Warrant of Commitment.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Application of previous rules.

Adjournment.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Application of previous rules.

Discharge of the Defendant.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

When defendant to be discharged.

Charge, Plea, and Defence.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *prima facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Charge.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea.

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the

Plea of "guilty."

same shall be recorded, and the defendant convicted thereon.

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Plea of "not guilty."

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Evidence for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Witnesses for the defence.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

Complaint and issuing of Process for causing the attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

Summons shall issue.

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall

deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned; on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

10. If, upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the com-

plainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

4. In every case before a Subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

5. Provided that nothing in the last preceding

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and

Place where investigation made, an open Court.

try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

1. Whenever a person charged with rioting, as-

Personal recognizance to keep the peace in cases of conviction.

sault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

2. In cases wherein it may appear necessary

Security to keep the peace.

to require security for keeping the peace in addition to the personal recognizance of the

party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

3. It shall be lawful for the magistrates, or

Personal recognizance without conviction.

other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

4. In cases wherein it may appear necessary

Security without conviction.

to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

5. Whenever it shall appear to the magistrate

For one year.

or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

6. Whenever it shall appear to the magistrate

For more than one year.

or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison, under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

7. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

8. In cases in, which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XXI.

JURIES AND ASSESSORS.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor in Council may from time to time revoke or alter such Order.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor in Council.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional

evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z. is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [sentence].

2nd. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code ; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [sentence].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (or the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (or the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [sentence].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (or one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ;

and the Court directs that the said Z be [sentence].

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [sentence].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [sentence].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [sentence].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

Conviction of offences punishable cumulatively.

Conviction of several offences.

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI. APPEALS.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the

just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.*	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence (penalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding $\frac{1}{2}$ of the longest term.	

CHAPTER V.—OF PRINCIPALS AND ABETTERS.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	..	..	Idem	..	..	..	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	..	..	Idem	..	..	..	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	..	..	Idem	..	..	..	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	..	..	Idem	..	..	..	Simple imprisonment not exceeding 3 years, also liable to fine.
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	..	..	Idem	..	..	..	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	..	..	Session Court	..	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	..	..	Idem	..	..	..	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. <i>Exception</i> —Not extended to harbour given by a wife to her husband.	Idem	..	..	Magistrate	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	..	..	Idem	..	..	..	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

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1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem . . .	Session Court .. .	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Abseonding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Idem	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Idem	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Idem	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Idem	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Idem	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Idem	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Idem	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Idem	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Idem	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Idem	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Idem	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	...	..	..	Idem	..	..	..	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	..	...	..	Idem	..	..	..	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	..	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	..	..	..	Idem	..	..	..	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	..	..	..	Idem	..	..	..	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	..	..	..	Idem	..	..	..	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	..	..	..	Idem	..	..	..	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	..	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	..	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	..	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	..	..	..	Session Court	..	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	..	..	..	Idem	..	..	..	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	..	..	..	Idem	..	..	..	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	..	..	..	Idem	..	..	..	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	..	..	..	Idem	..	..	..	Same as for giving such evidence.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is triable.	Idem not exceeding $\frac{1}{2}$ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	..	..	..	Idem	...	...	Idem.
20	False charge of offence made with intent to injure...	Idem	..	..	...	Session Court	...	...	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	..	..	...	Idem	...	...	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	..	..	..	Idem	..	...	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	..	..	..	Idem	..	..	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	..	..	..	By the Court by which the offence is triable.	which	the	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	<i>Exception.</i> —Not to extend to harbour given by the husband or wife of the offender.								
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	..	..	..	Session Court	..	..	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	..	..	..	Idem	..	..	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years. ..	Idem	..	..	..	By the Court by which the offence is triable	which	the	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	..	..	..	Session Court	..	..	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	..	..	..	Idem	..	..	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years ..	Idem	..	..	..	By the Court by which the offence is triable.	which	the	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	..	..	..	Session Court	..	..	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	..	..	..	Idem	..	..	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	..	..	..	By the Court by which the offence is triable.	which	the	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	<i>Exception.</i> —Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.								

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.—(Continued.)

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1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	.
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	.
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	.
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	.
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	.
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	.
30	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	.
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	.
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	.
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years or fine, or both.	.

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

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3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—(Continued.)

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1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	• •
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
12	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	..	..	..	Magistrate	..	..	..	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	..	..	..	Session Court	..	..	..	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	..	..	..	Idem	..	..	..	Idem.
30	Sale of counterfeit Government Stamp.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	..	..	..	Idem	..	..	..	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	..	..	..	Magistrate	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	..	..	..	Idem	..	..	..	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fraudulent use of false instrument for weighing ..	Bailable	..	..	..	Magistrate or Subordinate Criminal Courts, 1st Class.	..	..	..	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	..	..	..	Idem	..	..	..	Idem
4	Being in possession of false weights or measures for fraudulent use	Idem	..	..	..	Idem	..	..	..	Idem
5	Making or selling false weights or measures for fraudulent use.	Idem	..	..	..	Idem	..	..	..	Idem

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	.
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	.
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	.
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	.
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	.
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	.
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	.
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	.
10	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	.
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	.
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	.
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	.
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	.
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder.. .. .	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
12	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	

Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.

14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

Of Hurt.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 8 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. 50 Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	•
69	Kidnapping or abducting in order to murder ..	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave. ..	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine. ..	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
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Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
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CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)
Of Extortion.—(Continued.)

52

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court.. ..	Imprisonment of either description not exceeding 5 years, also liable to fine.	. .

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Crimi- nal Courts, 1st class.	Imprisonment of either description not ex- ceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to pro- tect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing de- ivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not ex- ceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the do- ing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.
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CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)
Of Criminal Trespass—(Continued.)

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1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	..	..	...	Magistrate	...	...	..	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	..	...	..	Idem	...	...	..	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	..	..	...	Session Court	...	...	..	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	..	...	..	Idem	...	..	...	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	...	..	..	Idem	...	...	..	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	..	...	..	Idem	..	.	..	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	...	...	..	Idem	..	...	..	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	...	...	...	Idem	..	..	..	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	..	..	..	Idem	..	..	..	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	..	..	...	Idem	...	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	..	...	...	Idem	..	..	..	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	...	..	...	Idem	:	..	..	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	..	...	...	Idem	..	..	..	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	...	...	..	Idem	..	..	..	Imprisonment of either description not exceeding 2 years, also liable to fine.	

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation If threat be to cause death or grievous hurt, &c. ...	Bailable Idem	Session Court Idem	Imprisonment of either description not exceeding 2 years, or fine, or both. Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.
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W. MORGAN,

Clerk of the Council.



SECOND SUPPLEMENT TO **The Calcutta Gazette.**

Published by Authority.

WEDNESDAY, MARCH 25, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 21st of June next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bombay for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bombay to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the Presidency of Bombay as are subject to the general Regulations of the Bombay Code: It is hereby enacted as follows :—

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

Territorial scope of Act.

CHAPTER I.

SUDDER COURT.

1. The Sudder Court at Bombay shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

Jurisdictions of the Sudder Court.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

Criminal Courts other than the Sudder Court.

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class,
Subordinate Criminal Courts of the second Class.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Who are to be Judges of the Subordinate Criminal Courts.

Second Assistants to the Magistrate, and Mooniffs, shall be Judges of Subordinate Criminal Courts of the second Class.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Criminal Courts, how to be denominated.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor in Council shall from time to time pass.

Appointment, suspension, and removal of Criminal Judges.

5. Each Criminal Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

Declaration on entering upon office.

" I, A. B., appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor in Council, upon the report of the Ministerial officers Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1st. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2nd. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3rd. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4th. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants :

Every head ministerial officer, every record-keeper, and every Nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact ;
Every head jailer ;
Every head officer of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on

behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government ; or to investigate, or to report on any matter affecting the pecuniary interests of the Government ; or, to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5th. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants :

Every juryman ;

Every arbitrator to whom any cause has been referred by a Court of Justice.

Magistrates, their jurisdiction as to offences.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees ; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees ; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees ; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

CHAPTER III. PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

CHAPTER IV. OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

3. The proceeding by arrest may be either—

- (1).—By warrant;
- (2).—Or by a private person without warrant;
- (3).—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

5. Every complaint made before a magistrate or head officer of police, in order to be reduced into writing and signed, to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or head officer of police issuing the summons or warrant.

6. Upon such complaint duly made before a Magistrate, how to proceed on complaint, magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

7. Upon such complaint duly made before a head officer of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such head officer there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

8. Every summons issued by a magistrate or head officer of police to a person so accused shall be in writing, under the hand and seal of the magistrate or head officer of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a head officer of police, to appear before such head officer at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

10. A magistrate or head officer of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

11. A magistrate of one district or head officer of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Where an offence may be investigated and tried in one of two or more jurisdictions.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Abetment.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

Offence committed on boundary.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if

During journey, &c.

it had actually been committed in such district or division.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Receiving, &c. stolen property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Unlawfully receiving property.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Escape from lawful custody under sentence.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Returning from transportation or banishment.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Forgery.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

Definition of certain terms.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a moonsiff or head officer of police

What is a district, and what a division.

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V. OF THE WARRANT AND ITS EXECUTION.

1. The warrant shall be in the name of the officer who grants it.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner herein-after mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

13. If the warrant under Chapter IV Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate, to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police who granted the warrant shall send the person arrested to the head officer of police of the division in which such offence was committed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

Where a warrant of a police officer must be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

When a warrant of arrest may be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

Warrant, how to be executed.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

No unnecessary restraint.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of purpose to act under the warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Notification of substance of warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may re-take it by force, provided he use no greater degree of violence than is necessary for the purpose.

Taking and refusing to give up a warrant.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Resisting an endeavor to arrest.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Officer, &c. breaking out to liberate himself.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of inner door or window.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking open a zenanah or female apartment.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Breaking of doors, &c. for offences not previously provided for.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Party arrested to be brought immediately to the authority mentioned in the warrant.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

Or as soon as practicable.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

No threat, promise, or caution, as to disclosure by party arrested.

but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

1. A police officer or other person who sees any offence committed for which
Arrest on view. a warrant may issue on complaint, may, without warrant, arrest the offender.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on
On complaint, or finding with stolen goods. complaint is made, or who may be found with stolen goods in his possession.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.
A proclaimed offender: hue and cry.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or head officer of police; but no house shall be broken into for the purpose of arresting any person without a warrant.
A party liable to arrest concealing himself.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.
Breach of the peace.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.
Obstruction of a police officer in his duty.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.
When it is not necessary to notify cause of arrest.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.
Party arrested to be taken immediately before the proper authority.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.
Arrest for an offence committed in the presence of a magistrate.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit,
Person arresting may re-take on escape, and deal with the party arrested as on original taking.

and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.
May adopt the same measures as on original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.
When grantable by a magistrate.

2. The magistrate shall direct his warrant to the head officer of police within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer above the rank of burkundaz.
How to be directed.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.
When a magistrate may require a magistrate of another district to issue a search warrant.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.
When a magistrate may grant a search warrant out of his jurisdiction.

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

6. The head officer of police shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

7. A head officer of police may require the head officer of police of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

8. The head officer of police, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate;

Occupant of the place searched may attend.

and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A head officer of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences under Chapter IX; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the head officer of police may issue his warrant.

it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

5. In the event of its appearing to the head officer of police, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate,

as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who shall then proceed as if he had made the inquiry himself.

12. Provided that it shall not be lawful for the head or other officer of police to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

13. If it shall appear to the head officer of police that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence for expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

head officer of police shall accept such bail, and immediately release the party apprehended.

16. In cases of manifest necessity, when the head officer of police may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

21. The powers to be exercised by the head officer of police under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases

it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify

what they know concerning the complaint made against the accused party.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains

accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence committed by him, which from the evidence he may appear to have committed.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

35. In such case it shall be competent to such defendant to find new sureties.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of Charge.

(a) I, A [name and office of magistrate, &c.], declare that there is hereby made against Z the Charge:

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (c) and within the cognizance of the *[style of the Court]*.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c):

within my cognizance; and the words "by the said Court" in (d) may be omitted.

To be substituted for (b).

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the *[style of the Court]*, and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

(3). That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the *[style of the Court]*.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the *[style of the Court]*.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the *[style of the Court]*.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the *[style of the Court]*.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the

Penal Code, and within the cognizance of the *[style of the Court]*.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the *[style of the Court]*.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the *[style of the Court]*.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the *[style of the Court]*.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the *[style of the Court]*.

(12). That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the *[style of the Court]*.

(13). That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the *[style of the Court]*, and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code.

the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [name and office of magistrate, &c.], declare that there is hereby made against Z the charge:

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court].

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the magistrate, &c.].

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court].

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under

Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution.

CHAPTER XV. OF OFFENCES TRIABLE BY THE MAGIS- TRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Cases in which magistrate may issue a warrant.

Summons instead of warrant.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Postponement of issue of process.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may direct bail to be taken.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the

Arrest on warrant indorsed by a magistrate of another district.

magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Proclamation for an absconding party.

Attachment of property.

Property after six months to be at the disposal of Government.

the disposal of the Government.

Summoning, &c., of Witnesses.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

Summons to a witness to attend and give evidence.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

If he do not obey the summons, then warrant.

ect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another District, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such

person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Defendant may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Any person attending may be detained for any offence committed by him.

Bail and Warrant of Commitment.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Application of previous rules.

Adjournment.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Application of previous rules.

Discharge of the Defendant.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

When defendant to be discharged.

Charge, Plea, and Defence.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *prima facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Charge.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea.

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the

Plea of "guilty."

same shall be recorded, and the defendant convicted thereon.

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Plea of "not guilty."

30. The magistrate shall summon any witness, and examine any evidence for the defence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Witnesses for the defence.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

Complaint and issuing of Process for causing the attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction* for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

Summons shall issue.

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall

deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the com-

plainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

4. In every case before a Subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

Place where investigation made, an open Court.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Personal recognizance to keep the peace in cases of conviction.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the

party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Personal recognizance without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

Security without conviction.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person, exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XXI.

JURIES AND ASSESSORS.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor in Council may from time to time revoke or alter such Order.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor in Council.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional

evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [sentence].

2nd. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code ; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [sentence].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (or the majority of the Jurors consisting of of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (or the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [sentence].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (or one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ;

and the Court directs that the said Z be [sentence].

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [sentence].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [sentence].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [sentence].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

Conviction of offences punishable cumulatively.

Conviction of several offences.

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the

just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court, than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTERS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence or penalties..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem.. ..	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem.. ..	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.*	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding $\frac{1}{2}$ of the longest term.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years; also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	..	..	Idem	..	..	..	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	..	..	Idem	..	..	..	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	..	..	Idem	..	..	..	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	..	..	Idem	..	..	..	Simple imprisonment not exceeding 3 years, also liable to fine.
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	..	..	Idem	..	..	..	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	..	..	Session Court	..	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	..	..	Idem	..	..	..	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. <i>Exception</i> —Not extended to harbour given by a wife to her husband.	Idem	..	..	Magistrate	..	..	..	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	..	..	Idem	..	..	..	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	..	..	Idem	..	..	..	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty	6. When admitting of cumulative Punishment.
3 4	Being a member of an unlawful assembly Joining an unlawful assembly armed with any deadly weapon.	Bailable Idem	Magistrate Idem	Imprisonment of either description not ex- ceeding 6 months, or fine, or both. Imprisonment of either description not ex- ceeding 2 years, or fine, or both.	Cumulative, Clause 9.
5	Joining or continuing in an unlawful assembly know- ing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8 10	Rioting armed with a deadly weapon If an offence be committed by any member of an un- lawful assembly, every other member of such as- sembly shall be guilty of the offence.	Idem According as the offence is bailable or not.	Session Court By the Court by which the offence is triable.	Idem not exceeding 3 years, or fine, or both. The punishment of the offence.	Idem.
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when sup- pressing riot, &c.	Idem	Session Court	Imprisonment of either description not ex- ceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not ex- ceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not ex- ceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not ex- ceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Cri- minal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	